

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BANK OF NEW YORK MELLON,

Plaintiff,

-v.-

ALFONSO AMELIO; SIGNATURE BANK;
RALPH J. PELOSI, III; VALLEY
NATIONAL BANK; NEW YORK CITY
ENVIRONMENTAL CONTROL BOARD
FIRST HORIZON HOME LOAN
CORPORATION; JOHN DOE #1 TO JOHN
DOE #10,

Defendants.

24 Civ. 6630 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On August 26, 2024, Defendant Mr. Amelio removed this case from the Supreme Court of the State of New York, Bronx County. (Dkt. #1). On November 6, 2024, the Court held a pretrial conference to discuss Mr. Amelio's notice of removal. At Mr. Amelio's request, the Court permitted him to submit supplemental briefing on or before November 20, 2024. (Dkt. #6). After generous extensions, Mr. Amelio submitted his supplemental brief in support of removal on January 16, 2025. (Dkt. #13). On April 2, 2025, Plaintiff Bank of New York Mellon appeared in this action, arguing that this federal action must be dismissed and requesting a pre-motion conference, in accordance with this Court's Individual Rules. (Dkt. #17). Because Plaintiff articulated its arguments for dismissal in its letter, and because the Court is familiar with the facts of this case, the Court dispensed with its requirement for a pre-motion conference and accepted Plaintiff's letter as its motion to dismiss. (Dkt. #18).

On June 12, 2025, Mr. Amelio filed his response. (Dkt. #23). On June 26, 2025, Plaintiff filed its reply in further support of its motion to dismiss. (Dkt. #24).

For substantially the reasons stated in Plaintiff's letter motion (Dkt. #17) and reply (Dkt. #24), the Court GRANTS the motion to dismiss in its entirety. While the Court understands that Mr. Amelio and his brother have experienced a series of hardships that they have recounted to the Court throughout these proceedings, that does not change the dispositive fact that the time for Mr. Amelio to remove this action to federal court lapsed over ten years ago. *See* 28 U.S. Code § 1446(b)(1).¹

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case, and to mail a copy of this Order to Mr. Amelio at his address of record.

SO ORDERED.

Dated: June 30, 2025
New York, New York



KATHERINE POLK FAILLA
United States District Judge

¹ On June 25, 2025, Mr. Amelio emailed this Court a copy of a Petition for a Writ of Mandamus. But “the mere application to the Court of Appeals for a writ of mandamus [does not] deprive a district court of jurisdiction in any respect.” *U.S. S.E.C. v. Citigroup Glob. Markets Inc.*, 827 F. Supp. 2d 336, 339 (S.D.N.Y. 2011), *supplemented* (Dec. 29, 2011); *see also Batalla Vidal v. Nielsen*, No. 16 Civ. 4756 (NGG) (JO), 2018 WL 333515, at *4 n.5 (E.D.N.Y. Jan. 8, 2018). Because the Court concludes that the time for removal expired long ago, the Court also DENIES Mr. Amelio's request for a stay of this action, which was part of his response to Plaintiff's motion to dismiss. (*See* Dkt. #23).